

SENATE BILL 256

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By: **Senators Harrington, Frosh, Garagiola, Kasemeyer, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, and Robey**
Introduced and read first time: January 22, 2010
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Physical Education Facilities**

3 FOR the purpose of requiring the State Department of Education to adopt regulations
4 that require a public school that is newly constructed or completely renovated
5 and occupied on or after a certain date to include a gymnasium and adequate
6 support space for physical education instruction; requiring the Department to
7 adopt guidelines for facilities for physical education programs; and generally
8 relating to physical education facilities in public schools.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–409
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 7–409.

18 (a) Each public school shall have a program of physical education that is
19 given in a planned and sequential manner to all students, kindergarten through grade
20 12, to develop their good health and physical fitness and improve their motor
21 coordination and physical skills.

22 (b) The Department shall [employ]:

23 **(1) EMPLOY** a full–time director of physical education;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(2) ADOPT REGULATIONS THAT REQUIRE A PUBLIC SCHOOL**
2 **BUILDING THAT IS NEWLY CONSTRUCTED OR COMPLETELY RENOVATED AND**
3 **OCCUPIED ON OR AFTER JANUARY 1, 2013, TO INCLUDE A GYMNASIUM AND**
4 **ADEQUATE SUPPORT SPACE FOR PHYSICAL EDUCATION INSTRUCTION; AND**

5 **(3) ADOPT GUIDELINES FOR FACILITIES FOR PHYSICAL**
6 **EDUCATION PROGRAMS.**

7 (c) Each local school system may develop and implement an annual Wellness
8 Policy Implementation and Monitoring Plan to be used to:

9 (1) Establish baseline student data for the health-related components
10 of physical fitness;

11 (2) Assist students with the development of personal physical fitness
12 plans;

13 (3) Encourage appropriate interventions for students identified as
14 having unhealthy levels of physical fitness;

15 (4) Identify effective practices for improvement of student
16 health-related physical fitness; and

17 (5) Encourage partnerships with health agencies to address student
18 health-related issues in the State.

19 (d) The Department shall:

20 (1) Develop a procedure to monitor and measure the implementation
21 of a local school system's Wellness Policy Implementation and Monitoring Plan;

22 (2) Provide feedback and technical assistance to each local school
23 system that implements a Wellness Policy Implementation and Monitoring Plan;

24 (3) Identify and distribute to each local school system effective
25 wellness policy practices for physical activity and physical education; and

26 (4) Provide staff support to each local school system that implements a
27 Wellness Policy Implementation and Monitoring Plan.

28 (e) Each local school system that implements a Wellness Policy
29 Implementation and Monitoring Plan under subsection (c) of this section shall submit
30 to the Department:

31 (1) The local school system's Wellness Policy Implementation and
32 Monitoring Plan, that shall include:

- 1 (i) Policy goals;
- 2 (ii) Activities;
- 3 (iii) Expected outcomes; and
- 4 (iv) Measurements for physical activity and physical education;
- 5 and

6 (2) An annual report on the local school system's progress toward
7 achieving the policy goals of the implementation plan.

8 (f) (1) The Department shall establish an Advisory Council on Health and
9 Physical Education.

10 (2) The Advisory Council shall consist of the following members,
11 selected by each organization from which the member is a representative:

- 12 (i) A representative from the Department;
- 13 (ii) A representative from the Maryland Parent-Teacher
14 Association;
- 15 (iii) A representative from the Maryland State Teachers
16 Association;
- 17 (iv) A representative from the Public School Superintendents
18 Association of Maryland;
- 19 (v) Representatives from each local school system;
- 20 (vi) A representative from the Maryland Association of Boards of
21 Education;
- 22 (vii) A representative from the Maryland Association of Counties;
- 23 (viii) A representative from the Governor's Council on Physical
24 Fitness and Sport;
- 25 (ix) A representative of the Professional Organization for
26 Health, Physical Education, Recreation, and Dance;
- 27 (x) A representative from an institution of higher education
28 having a health and physical education teacher education program;
- 29 (xi) A representative from Special Olympics of Maryland;

1 (xii) A representative from the Department of Health and Mental
2 Hygiene;

3 (xiii) A representative from the American Academy of Pediatrics;
4 and

5 (xiv) Representatives from the following health organizations:

6 1. The American Heart Association;

7 2. The American Cancer Society; and

8 3. The American Diabetes Association.

9 (3) From among its members, the Council shall elect a chair, vice
10 chair, and any other officers necessary to carry out the Advisory Council's functions.

11 (4) The Department shall provide staff and other necessary support to
12 the Advisory Council using existing resources.

13 (5) A member of the Advisory Council may not receive compensation
14 for serving on the Advisory Council, but is entitled to reimbursement for expenses
15 under the Standard State Travel Regulations, as provided in the State budget.

16 (6) The Advisory Council shall meet at least twice each year and may
17 hold additional meetings at the discretion of the chair or at the request of a majority of
18 the members.

19 (7) The Advisory Council shall:

20 (i) Develop and coordinate programs in collaboration with
21 public schools to educate students regarding the importance of:

22 1. Physical activity and physical movement;

23 2. The relationship of physical activity to a healthy
24 lifestyle and improved fitness;

25 3. The relationship between healthy eating, physical
26 activity, and maintaining a healthy weight; and

27 4. The value of physical activity and its relationship to
28 improved academic achievement and stress reduction; and

29 (ii) Identify promising health and physical education practices
30 in the State;

1 (iii) Build a network of health and physical education
2 professionals to share information and strengthen partnerships;

3 (iv) Support successful health and physical education programs
4 in the State and encourage the expansion of those programs; and

5 (v) Consult with organizations represented on the Advisory
6 Council as appropriate.

7 (8) The Advisory Council may:

8 (i) Seek, accept, and expend funds from any source, including
9 donations, State appropriations, and federal grants; and

10 (ii) Seek, accept, and use services from individuals,
11 corporations, and government entities.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2010.